

**IN THE COURT OF THE JUDICIAL MAGISTRATE-II, AT
CHENGALPATTU**

Present:- Tmt.S. Sahaana, M.A. M.L. M.A.,

Judicial Magistrate - II, Chengalpattu

Wednesday, the 12th day of August 2026

CNR.No.TNCG06-007402-2025

Crl.M.P.No.1622 of 2026 in STC.No.992/2022

Mrs. Renuka Devi,
w/o. Sundar Karthik

... Petitioner/Complainant

/ **Versus** /

Dinesh Prabhu

... Respondent/Accused

This Petition is coming before me on 12.08.2026 for final hearing in the presence of M/s. L. Santhanalakshmi, Advocates for the Petitioner and M/s. N.K. Sriram, G. Ramesh Kannan, V. Kishore, Advocates for Respondent, on perusal of records, upon the hearing the arguments on both sides and having stood for consideration till this date. The court made the following.

ORDER

1. The Petitioner/Accused filed this petition under Section 308 r/w 530 of BNSS for appearance through Video Conferencing.

2. Brief averment of the petition filed by the Petitioner is as follows:-

The Petitioner/Complainant submits that the Petitioner is presently residing at Ireland and it is highly inconvenient for the Petitioner/Complainant to appear physically before this Court on every date of hearing. Further, Petitioner/Complainant states that she is willing to participate in the proceedings via Video Conferencing and undertakes comply with all directions on this court. Hence, the Petition.

3. Brief averment of the Counter filed by the Respondent:-

The Respondent/Accused states that the Petitioner/Complainant has left India deliberately after posting of the matter in the list for evidence with a view to avoid her presence in the Court, now sought for examination through video Conference.

Further, the Respondent/Accused states that the examination of the Petitioner and require the documents to be filed and subject to cross examination and also time zone between India and Ireland would be around 4.5 hours and there must be a coordinator to be appointed by the Indian Embassy at Ireland during the course of examination and it requires payment of fees, appointment from the coordinator or Indian Embassy along with date and time to be present and the procedure required to be followed by the coordinator and the witnesses appearing through Video Conferencing for Chief Examination. Further, the Petitioner did not follow the procedure. Hence, the petition may be dismissed.

4. Point for determination:

Whether this Application can be allowed or not?

5. Discussion:

The Petitioner / Complainant states that the Petitioner is willing to participate in the proceedings via Video Conferencing and undertakes comply with all directions. Hence, the Petition.

6. Per contra, the Respondent side contended that this Petition is filed to drag on the proceedings without valid reasons and the procedure for examination of the Petitioner through video conferencing was not followed. Hence, this Petition may be dismissed.

7. Heard. Records perused. On perusal of records, it reveals that at the outset, it is necessary to observe that Video Conferencing is an accepted mode of conducting judicial proceedings and that the mere fact that a party or witness is residing outside India cannot, by itself, constitute an absolute bar against permitting such person to participate in judicial proceedings through Video Conferencing. At the same time, the facility of Video Conferencing cannot be claimed as an automatic or unconditional right merely on the ground that a party is residing abroad or that physical appearance is inconvenient. Where evidence is proposed to be recorded through Video Conferencing, the Court is required to ensure that the procedure safeguards the fairness and integrity of the trial and that the opposite party is afforded a full and effective opportunity of cross-examination. The Hon'ble High Court of Madras in

The Madras High Court Video Conferencing in Courts Rules, 2020 apply to the Courts functioning under the supervisory jurisdiction of this Court. Rule 4(2) specifically provides that an application for Video Conferencing shall be supported by an affidavit evidencing the justifiable circumstances and containing all relevant particulars of the proposed Remote Site. Therefore, an application merely stating that the applicant is residing abroad and that travelling to India is inconvenient cannot, by itself, be treated as sufficient compliance with Rule 4(2). The application must place before the Court sufficient particulars enabling the Court to decide whether Video Conferencing can be conducted in a manner consistent with the Rules and without prejudice to the opposite party.

8. In the present case, the Petitioner/Complainant has stated only that she is presently residing in Ireland and that physical appearance before this Court on every date of hearing would be inconvenient. However, the petition/affidavit does not furnish the material particulars necessary for the Court to make an effective order permitting the recording of evidence through Video Conferencing. In particular, the petition does not clearly disclose: (i) the complete and specific address of the proposed Remote Site in Ireland from which the Petitioner/Complainant proposes to give evidence; (ii) whether the proposed Remote Site is an Indian Embassy, Indian Consulate, High Commission or any other identified and suitable location; (iii) the identity and particulars of the proposed Remote Site Coordinator; (iv) whether any official of the Indian Embassy/Consulate/High Commission in Ireland has consented or is available to act as the Remote Site Coordinator; (v) the proposed date, time and schedule for recording the evidence; (vi) the availability of the requisite technical facilities at the proposed Remote Site; (vii) the manner in which the identity of the Petitioner/Complainant would be verified; (viii) the manner in which oath would be administered; (ix) the arrangements to ensure that no unauthorised person is present with or assists, prompts, tutors, coerces or influences the witness during examination; (x) the procedure proposed for transmission, authentication, signing and return of the deposition; (xi) the manner in which documents are proposed to be transmitted to the witness and/or produced before the Court during cross-examination; (xii) the manner

in which documents marked during the course of evidence would be authenticated and transmitted to the Court; (xiii) the arrangements for audio-visual recording and preservation of the examination at the Court Site; (xiv) the technical arrangements to ensure uninterrupted audio and video communication between the Court Site and the Remote Site; and (xv) the willingness to bear or make payment of the costs/honorarium and other expenses, if any, as may be directed by the Court.

9. On going through the records, further, it reveals that the Petition was not accompanied by affidavit mentioning the above mentioned particulars. Further, it reveals that this deficiencies assume greater significance in the present case because the Petitioner/Complainant is not merely seeking permission to attend the hearing through Video Conferencing. The prayer concerns her examination/evidence. Hence, on considering above and in the interest of justice, this Petition is dismissed.

10. In the result, this Petition is dismissed. No cost.

Dictated to the Steno-typist directly typed by her corrected and pronounced by me on this 12th day of August 2026.

Sd/-S. Sahaana,
Judicial Magistrate No.II,
Chengalpattu.